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U.S. Department of Justice

Michael J. Sullivan
United States Attorney
District of Massachusetts

2004 MAY 24 A 11:32
Main Reception: (617) 748-3100
Courthouse

U.S. DISTRICT COURT
DISTRICT OF MASS.

John Joseph Moakley United States
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

May 24, 2004

VIA HAND DELIVERY (w/ enc.)

Mr. Robert Alba
Court Clerk to the
Honorable Patti B. Saris
One Courthouse Way
Boston, MA 02210

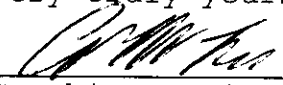
Re: United States v. Sugar et al - 03-CR-10362 (PBS)

Dear Mr. Alba:

Enclosed for filing is a copy of the Missouri Traffic Regulation the Honorable Patti B. Saris requested in the recent evidentiary hearing concerning the above referenced matter.

If you have any questions, please do not hesitate to contact me at the telephone number below.

Very truly yours,


Cynthia W. Lie
Assistant U.S. Attorney
(617) 748-3183

cc: VIA FIRST CLASS MAIL WITH ENCLOSURES

Mr. Mark Shea, Esq.
47 Third Street
Cambridge, MA 02141

Mr. Mel Norris
Attorney at Law
260 Boston Post Road
Wayland, MA 01778

Section 304-015 Drive on right of highway--traffic lane

Page 1 of 3

Missouri Revised Statutes

Chapter 304 Traffic Regulations Section 304.015

August 28, 2003

Drive on right of highway--traffic lanes--signs--violations, penalties.

304.015. 1. All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, except on streets of municipalities where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;

(2) When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of sections 304.014 to 304.026 or traffic regulations thereunder or of municipalities;

(3) When the right half of a roadway is closed to traffic while under construction or repair;

(4) Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.

3. It is unlawful to drive any vehicle upon any highway or road which has been divided into two or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except at an intersection or interchange or at any signed location designated by the state highways and transportation commission or the department of transportation. The provisions of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the commission or the department.

4. The authorities in charge of any highway or the state highway patrol may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway, and all members of the Missouri highway patrol and other peace officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

5. Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved

Section 304-015 Drive on right of highway--traffic lane

Page 2 of 3

from such lane until the driver has first ascertained that such movement can be made with safety;

(2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation;

(3) Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.026;

(4) Official signs may be erected by the highways and transportation commission or the highway patrol may place temporary signs directing slow- moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign;

(5) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

6. All vehicles in motion upon a highway having two or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

7. Violation of this section shall be deemed an infraction unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class C misdemeanor, or unless an accident results from such violation, in which case such violation shall be deemed a class A misdemeanor.

(L. 1953 p. 587 § 304.020, A.L. 1971 H.B. 110, A.L. 1996 H.B. 1047, A.L. 2001 S.B. 244)

(1960) Under the 1953 statute a motorist is not required to operate his automobile "as close to the right hand side of the highway as is practicable". *Lewis v. Nelson*, 277 F.2d 207.

(1961) Where motor vehicle skidded on icy pavement and stopped blocking part of highway on grade below crest of hill, operator properly engaged in moving the vehicle rather than going to top of hill to warn other motorists since her car could be seen for a distance of 325 feet. *Eastman v. Brackman* (Mo.), 347 S.W.2d 126.

(1965) Unexplained skidding of a vehicle into left half of roadway is not ipso facto negligence. It leaves open the question of negligence. *Wray v. King* (A.), 385 S.W.2d 831.

(1965) This section does not require vehicle to make use of part of road which is in fact impassable and unavailable for travel, and motorist may be excused from statutory violation where he deviates from prescribed course of travel in order to avoid a dangerous obstruction. *Timer v. Hill* (A.), 394 S.W.2d 425.

(1967) Purpose of this section is to change common law rule that one had the right to use either side of highway if way was unobstructed. This section does not create a motorist's duty to a pedestrian to avoid driving to the right of the right half of the roadway. *Skiles v. Schlake* (Mo.), 421 S.W.2d 244.

(1973) Backing road grader in southerly direction on northbound lane of highway held not to constitute driving on wrong side of road. *Bounds v. Scott Construction Co.* (Mo.), 498 S.W.2d 765.

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Section 304-015 Drive on right of highway--traffic lane

Page 3 of 3



Missouri General Assembly



Uniform Traffic Violations Fine Schedule



For offenses not listed, if uncertain of amount or for questions call:
877-866-3926 (toll free) or 573-522-2005. Fax Number: 573-522-8504

For more information visit the Fine Collection Center Website at www.osca.state.mo.us

All Amounts Listed Include Fine + Costs and Represent Total Amount Due

REMINDERS - Read before paying your ticket

1. **Payments:** Sign back of ticket and return ticket (or a copy), Write Ticket Number on Check, Money Order or Credit Card Form, and Make Payment (in U.S. Dollars) to: Fine Collection Center.
2. **Domestic Violence Shelter Fee:** You must add \$2 to the fine amount listed for your offense (except \$10 seat belt violations) if you received your ticket in any of the following counties: Boone, Butler, Callaway, Clay, Dunklin, Lafayette, Lincoln, Perry, Phelps, Ripley, Saline and Vernon, OR if your envelope contained a small insert entitled "Domestic Violence Shelter Fee". The name of the county is found in the upper right hand portion of your ticket or you may call the number listed above for assistance.
3. **Seat Belt Violation:** If the small "seat belt violation" block in the right middle part of your ticket is completed, you owe \$10 for the seat belt violation in addition to the fine for your primary offense.
4. **Construction/Work Zone Offenses:** Add \$250 to amount due if ticket is for speeding, passing or overtaking in Construction or Work Zone with workers present, OR add \$35 on any other ticket that indicates the offense occurred in a Construction or Work Zone.

Speeding

1-5 mph over posted speed limit	\$ 73
6-10 mph over posted speed limit	\$ 83
11-15 mph over posted speed limit	\$108
16-19 mph over posted speed limit	\$133
20-25 mph over posted speed limit	\$208
More than 25 mph over limit - Court Appearance	

Other Offenses

No seat belt (adults and child 4 - 16) but	\$ 10
no seat belt for commercial vehicle	\$ 83
No child safety restraint (child under 4)	\$ 73
Careless and Imprudent driving	\$133
Failed to drive on right half of road	\$ 83
Failed to drive in right lane or single lane	\$ 83
Pass/overtake another vehicle in work or construction zone	\$158
Unsafe lane change	\$ 83
Cut in on overtaken vehicle	\$133
Improper Passing on right off main road	\$133
Improper Passing: view obstructed, or interfering with approaching traffic, or within 100 ft of rail crossing/intersection	\$183
Following too closely	\$ 83
Following too closely - trucks 18,000 lbs. or more and buses	\$183
Failed to signal/improper signal	\$ 83
Improper turn/U turn	\$ 83
Fail to stop at red light or stop sign	\$ 83
Failed to obey traffic control device	\$ 83
Failed to yield	\$ 83
Failed to yield to a moving or stationary emergency vehicle	\$133
Failed to stop for school bus	\$133

Registration & Equipment Violations

Failed to register vehicle	\$ 83
Open title	\$ 83
No title issued	\$133
Failed to display plates	\$ 73

Displayed plates of another	\$133
Failed to secure/cover load	\$183
Vision reducing material violation	\$ 83
Defective lights/muffler/brakes/horn	\$ 73

Commercial Vehicle Specific Violations

Radar Detector Violations	\$133
No seat belt for commercial vehicle	\$ 83
Following too closely - trucks 18,000 lbs. or more and buses	\$183
Failed to register vehicle	\$ 83
Failed to register non-resident comm motor vehicle (reciprocal agreement)	\$183
Weight registration violation	\$ 83
Excess width/height/length	\$133
Failed to stop at weigh station	\$183
Failed to secure/cover load/equip with device to assure load would not shift/fall	\$183
Equipment not complying with MVI Reg	\$133
Failed to keep proper/made false comm passenger carrying driver's record	\$183
Fail to keep proper/made false motor carrier driver's record	\$133
No medical certificate	\$133
Defective tires, lights, signals, wipers, etc (excluding items on next line)	\$133
Unsafe or improper brake, suspension, axle, wheel, rim, steering system	\$183

Excess Weight: Calculate as follows:

\$87.50 for first 1000 pounds over + \$0.10 for each pound over 1000

For less than 1000 pounds overweight, please call Fine Collection Center at the number at top of this page.

Revised: 8/28/2002